

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MARCUS ALAIMO,

Plaintiff,

v.

STEVEN M. MILLER,

Defendant.

Case No. 21-cv-06329-NC

**ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
REMANDED**

Re: ECF 1

Plaintiff Anthony Marcus Alaimo removed this case from Santa Clara County Superior Court on August 17, 2021. ECF 1. In his removal notice, Alaimo alleges that removal is proper under 28 U.S.C. § 1446(a). *See id.* at 3. Section 1446(a) does govern removal of civil actions, however, it only allows “a defendant or defendants” the ability to remove a case from state to federal court. As the party who chose the original forum, a plaintiff does not get to change their mind and remove a case to federal court later. *See Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1761 (2019). Alaimo does title himself as “Defendant” in his introduction, but everywhere else in the complaint, he refers to himself as “Plaintiff.” ECF 1 at 1, 3; ECF 1-1 at 1. As the person who filed the original complaint, and who chose the original forum, Alaimo does not have the authority to remove this case to federal court. *See Home Depot* 139 S. Ct. at 1761.

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1 Accordingly, the Court ORDERS Alaimo to show cause in writing why this case
2 should not be remanded by September 23, 2021.

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4 **IT IS SO ORDERED.**

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6 Dated: August 23, 2021



NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California